

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-HC-2063-D

JOHN H. DURHAM, JR.,)
)
 Petitioner,)
)
 v.)
)
S. HOLLEMBAEK,)
)
 Respondent.)

ORDER

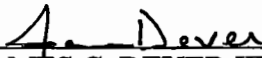
On July 26, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 20]. In that M&R, Judge Numbers recommended that the court grant respondent’s motion to dismiss [D.E. 14] and dismiss John H. Durham, Jr.’s (“Durham”) 28 U.S.C. § 2241 petition. Durham did not file objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and Durham’s petition. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 20]. Respondent’s motion to dismiss [D.E. 14] is GRANTED, Durham’s petition is DISMISSED, and the court DENIES a certificate of appealability. See 28

U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 17 day of August 2017.



JAMES C. DEVER III
Chief United States District Judge